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Chair

Mr. Scott Simms

Standing Committee on Fisheries and Oceans

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● (0845)

[*English*]

The Vice-Chair (Mr. Todd Doherty (Cariboo—Prince George, CPC)): Welcome, ladies and gentlemen, to the Standing Committee on Fisheries and Oceans. I will be your chair today.

With us, appearing by video conference, we have Verna Docherty, Acting Manager of Licensing Policy and Operations, Maritimes region. We also have with us Marc LeCouffe, Director of Resource and Aboriginal Fisheries Management, Gulf region. Also with us by video conference, we have Jacqueline Perry, Regional Director General, Newfoundland and Labrador region.

Appearing in person, we have Mr. Patrick Vincent, Regional Director General, Quebec region, and Mr. Mark Waddell, Acting Director General, Licensing and Planning.

Folks, we are continuing our study on commercial vessel length and licensing policies in Atlantic Canada. With that, I will go to our guests for 10 minutes each.

Are we going to split some time?

Mr. Mark Waddell (Acting Director General, Licensing and Planning, Department of Fisheries and Oceans): We understood that the committee members had questions for us. We had prepared opening remarks for our previous appearance but none for this one. We turn to you for questions.

The Vice-Chair (Mr. Todd Doherty): All right. With that, we'll go to our first seven-minute round of questions.

Mr. McDonald, please proceed.

Mr. Ken McDonald (Avalon, Lib.): Thank you, Mr. Chair, and thank you to our witnesses for appearing here this morning.

Ms. Perry, it's good to see you again this morning. We spent a bit of time together yesterday at the Halifax airport. That didn't work out so well for you, as you had to go back to St. John's. Again, thank you for making yourself available today.

We've heard from several witnesses, from people involved in the industry and from fishermen. We've heard from representatives of unions and people who want to be in a union.

Here's my first question. One of the witnesses, a Mr. Roy Careen from Point Lance, explained his enterprise as a fisherman, as a business person. He has to use four vessels to catch whatever his quota might be. He explained that for tuna, for example, he and his son each get in a boat, they go to Nova Scotia, and they use both boats to catch 12 or 13 tuna, whatever the maximum is of his tags for that.

Can somebody explain to me why he would need to use four boats in an enterprise that he owns and operates as a business person, and why DFO as a department dictates through policy or regulations that in order to do the fishing that he's doing it requires him to have four separate vessels?

Mr. Mark Waddell: I will perhaps turn to my regional colleague, who is more familiar with the specifics of the enterprise itself.

Jackie.

Ms. Jacqueline Perry (Regional Director General, Region - Newfoundland and Labrador, Department of Fisheries and Oceans): I'll start out by saying that each enterprise has a maximum vessel eligibility. We've spoken about that before at this committee. In Newfoundland and Labrador, that's primarily divided into two fleets for the inshore sector, 39 feet 11 inches and below, so less than 40 feet, and then 40 feet and above. Depending on the fishery that a harvester participates in, it can go up to 89 feet 11 inches, which is quite a large vessel.

In addition to the primary vessel, which is what those vessel eligibility break points speak to, harvesters are also able to own, operate, and register secondary vessels. We do not compel any harvester to use four vessels. Those are decisions that harvesters are making based on the operational profile of their enterprise and the fishery they're participating in.

For example, a harvester may choose to use a smaller vessel, one of his secondary vessels, to participate in a fishery where the allocations or their available quotas are much lower and closer to shore. With the costs associated with harvesting those, it might be inappropriate to use a larger vessel.

Those harvesters are making those decisions themselves as independent business people, based on the cost and revenue profile of the individual fisheries they're participating in. There is no DFO policy that forces them to do that. They are making those decisions themselves, within those maximum eligibility break points that we've already spoken about.

● (0850)

Mr. Ken McDonald: As a follow-up to that, is there a limit to the number of quotas that can be fished on each vessel?

Ms. Jacqueline Perry: That depends on the fishery-by-fishery basis. For example, for harvesters, a typical enterprise profile is one IQ, in the case of IQ fisheries, but that is subject to a variety of policy constructs. For example, some enterprises are combined, as you are aware, in which case there may be multiple IQs harvested off the same vessel.

In other enterprise situations, the harvesters may be what we call "buddied up". It's not a full permanent combining of quotas, but harvesters in some fleets are eligible to work together and harvest together on one boat. They're independent owner-operators, independent enterprises, but they're partnering up to use one vessel to harvest for both.

There's a wide variety of combinations of that. You can have combined enterprises buddying up, depending on the fleets. In some fisheries, in some fleets you can have two, three, four, or five IQs coming off the same vessel, but it does vary by fleet, and it varies by fishery.

I believe that in the Maritimes region there are similar kinds of constructs, where there is a partnership or an enterprise stacking option for some enterprises depending on the fishery. I don't know if Verna wants to take a few moments to describe what that looks like in the Maritimes region.

Ms. Verna Docherty (Acting Manager, Licensing Policy and Operations, Region - Maritimes, Department of Fisheries and Oceans): Sure, if I may.

We do have several different possibilities for people to reconcile their business in the best way they see fit. We have partnerships similar to the buddy-up policy that Jackie explained, which exists in Newfoundland. We have partnerships in some of our lobster and crab fisheries that allow two individual licence-holders to partner up for the length of the season and fish one and a half times the trap complement that is authorized for that particular fishery.

We allow stacking, which would allow one lobster licence-holder to acquire a second licence and stack them together. In the swordfish harpoon, the groundfish, the fixed-gear less than 45-foot fleets, and in the sea urchin fishery, we also allow harvest benefit combining, which is a permanent combining that allows one or more licence-holders to relinquish their licence back to the department so that a single licence-holder can acquire the harvest benefits associated with that licence. Those benefits can include things like the attribution of catch history, access to new areas, access to new gear types, or access to new gear amounts.

Mr. Ken McDonald: We heard from a fisherman that a family member had what's called a "core" licence in the groundfish, for cod in particular, and he is compelled to not use a boat any bigger than 28 feet long. To use his words, he said that "we actually tow that boat behind mine so that he can catch his quota when he gets out there and be safe".

It seems a bit ridiculous that a fisherman.... Whether it's core or non-core, he's fishing the same as anybody else. He's fishing in the same waters, but because of regulations and policy he is.... I won't say he's condemned to a 28-foot boat because a lot of people use them, but he's kind of paralyzed in what he can do. He has to stay with that 28-foot boat. He is not allowed to go even as big as the 39 feet and 11 inches, which would be the limit that he could go to. Can anyone square that circle for me to show why it makes sense that somebody would be actually handcuffed when it comes to vessel size in that particular usage?

Ms. Jacqueline Perry: Did you want me to address that given that it's primarily a Newfoundland and Labrador construct? I need to go back to the difference between core and non-core enterprises as a point of departure. During the period immediately following the moratorium, an extensive exercise was undertaken by the department to determine what would be characterized as the core professional harvester and enterprise complement for the fishery going forward.

There were criteria established that would determine whether or not an enterprise was core or non-core. I will say that those criteria were extremely liberal, and it was a measure of the dependence and history of attachment to the fishery leading up to that point in time. If a harvester was not successful in keeping this categorization of non-core, it meant that their attachment to the fishery was extremely tangential at that time.

● (0855)

The Vice-Chair (Mr. Todd Doherty): Thank you, Ms. Perry.

Ms. Jacqueline Perry: That complement of harvesters is meant to be—

The Vice-Chair (Mr. Todd Doherty): Ms. Perry, thank you. We are on a tight timeline here. We have to continue. Perhaps you can finish that thought in the next question.

With that, we are going to seven minutes for the Conservative side. I would like to ask permission from the committee to be the person asking these questions.

Some hon. members: Agreed.

The Vice-Chair (Mr. Todd Doherty): My first question is for you, Ms. Perry. We've heard time and again through testimony in this study, as well as in others, that the FFAW is at the table many times when policy and legislation decisions are made regarding quota and policy. How much say does the FFAW have in the day-to-day operations of DFO in Atlantic Canada?

Ms. Jacqueline Perry: The FFAW is a harvester association. They have been the certified bargaining agent of the inshore professional fish harvesters in Newfoundland and Labrador for decades.

The Vice-Chair (Mr. Todd Doherty): Are they at the table making decisions with the Department of Fisheries and Oceans when it comes to fishers in Atlantic Canada?

Ms. Jacqueline Perry: The Department of Fisheries and Oceans makes decisions with respect to fisheries management. We are the regulator. We make those decisions. We consult extensively with harvester associations. We do so throughout the country. This is not a Newfoundland and Labrador [*Technical difficulty—Editor*] harvester associations exist. They are a significant participant. We consult with them, of course, and we also consult with other stakeholders as well, not just the FFAW. But we are the decision-makers, and we make those decisions.

The Vice-Chair (Mr. Todd Doherty): On marine safety and vessel length, how much consultation or communication and dialogue do you have with Transport Canada?

Ms. Jacqueline Perry: We have an ongoing relationship with Transport Canada at the national level. We have a memorandum of understanding that provides structure to that. At the regional level, Transport Canada officials are invited and participate regularly in our fisheries advisory processes. Operationally, we consult with them on a day-to-day basis with respect to specific questions from our officials.

In addition, our integrated fisheries management plans include a comprehensive section on vessel safety. Those plans, once drafted, are provided to Transport Canada officials for their review and input.

I would suggest that amount of interaction is fairly extensive.

The Vice-Chair (Mr. Todd Doherty): Would it be safe to say that part of Transport Canada's mandate is marine safety?

Ms. Jacqueline Perry: I'm sorry, but the volume, the sound—

The Vice-Chair (Mr. Todd Doherty): I'm sorry. I'll go to Mr. Waddell with that question.

Mr. Mark Waddell: Absolutely, Mr. Chair. I think it better encapsulates their mandate than that of the Department of Fisheries and Oceans, for sure—

The Vice-Chair (Mr. Todd Doherty): Would it then be odd if you heard that in the testimony we've had recently the officials who appeared before this committee could not provide any answers or direction with respect to this study when asked for some clarification on vessel length and vessel length policy?

Mr. Mark Waddell: I'd be challenged to speak as to what was going through the heads of those witnesses at the time. I know that we do work closely with Transport Canada, as Jackie said, both at the national level and at the regional levels. We have a working group with them that has met frequently. In fact, I'm going to be meeting again with them in a couple of weeks, prior to doing a joint presentation to their Canadian Marine Advisory Council.

The Vice-Chair (Mr. Todd Doherty): How many years has the MOA—the memorandum of agreement—been in place?

Mr. Mark Waddell: It was signed in 2006 and renewed in 2015.

● (0900)

The Vice-Chair (Mr. Todd Doherty): Why wouldn't there be a more formal agreement in place with respect to vessel length or policies affecting marine safety and your department?

Mr. Mark Waddell: Why would there not be...?

The Vice-Chair (Mr. Todd Doherty): Yes.

Mr. Patrick Vincent (Regional Director General, Region - Québec, Department of Fisheries and Oceans): I could answer that if you wish, Mr. Chair.

Vessel length is one of the subjects that we've discussed with Transport Canada on numerous occasions. In fact, this discussion took place in 2010, at least in the Quebec region, but I know that it happened in other regions also. It's one of the subjects that we touch base on. In fact, in the Quebec region, you have the Comité permanent sur la sécurité des bateaux de pêche du Québec, which has an annual meeting on safety where Transport, the Coast Guard, Fisheries and Oceans, the Bureau de la sécurité des transports du Canada, and also the École des pêches et de l'aquaculture du Québec participate in the meetings and go through all sorts of subjects. Length of boats is one of them.

The Vice-Chair (Mr. Todd Doherty): Is it your testimony today that Transport Canada should be aware of all policies and measures taken by the Department of Fisheries and Oceans with respect to vessel length and the safety of fishers?

Mr. Mark Waddell: We do collaborate with them extensively.

Mr. Patrick Vincent: Yes. In fact, we even discussed their—

The Vice-Chair (Mr. Todd Doherty): Okay. Thank you.

While appearing before committee on March 22, 2018, Transportation Safety Board representatives explained that they were not aware of DFO having a process in place to effectively assess policy impacts on safety, which would help prevent incidents and accidents. Does DFO have this type of process in place?

Mr. Mark Waddell: We do indeed, and in fact I think my colleague was just about to provide some tangible examples of that sort of work.

The Vice-Chair (Mr. Todd Doherty): Can I ask that you table those documents with this committee?

Mr. Patrick Vincent: Sure. It's even on the web with the Comité permanent des pêches.... It's all there.

The Vice-Chair (Mr. Todd Doherty): I guess the question is, then, why would the Transportation Safety Board have that confusion regarding the communications in the relationship between the Department of Fisheries and Oceans and their department with respect to vessel length and safety measures that DFO implements?

Mr. Mark Waddell: I think that in part, as they alluded to themselves during their testimony, they are an arm's-length regulator of the two departments—

The Vice-Chair (Mr. Todd Doherty): But again, your testimony earlier today was that you meet regularly.

Mr. Mark Waddell: That's with Transport Canada, not with the TSB.

The Vice-Chair (Mr. Todd Doherty): Okay.

I have 41 seconds left. We will ask another question.

While appearing before this committee on February 15, DFO explained that "[t]he last major consultation that was sort of pan-Atlantic was when the 2003 consultations were undertaken to develop a set of 10 principles that were specific towards vessel-length replacement policies." What were the 10 policies put forth?

Mr. Mark Waddell: If you'll bear with me for a second, I do have them here.

The Vice-Chair (Mr. Todd Doherty): Can you table them?

Mr. Mark Waddell: I can.

The Vice-Chair (Mr. Todd Doherty): Perfect.

With that, we'll go to Mr. Donnelly for seven minutes.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thanks, Mr. Chair. I want to pick up where you left off on the 2003 study. I think Ms. Perry referenced it earlier.

In February we also had DFO here at committee, and they explained that "[i]n 2003, a new approach for changing vessel replacement rules for Atlantic Canada was adopted following an extensive industry consultation process". I'm wondering if we can just go back to 2003 to find out what provinces the rules affected.

Mr. Mark Waddell: That was a pan-Atlantic consultation—all of Newfoundland and Labrador, Nova Scotia, New Brunswick, P.E.I., and Quebec—with regard to vessel length policies in Atlantic Canada. Through those consultations, we did derive 10 principles whereby we and industry representatives both agreed to entertain modifications to vessel lengths for certain fleets.

Those principles include: conservation, fleet capacity, self-adjustment mechanisms, vessel safety, enterprise viability, fleet shares, core members, readily enforceable mechanisms, consistency with licensing policy and objectives, and the taking into consideration of the multi-licence nature of fishing enterprises in Atlantic Canada. Since that time, we have had some incidents, as we testified to back in February, of fleets coming forward, working within these principles, and seeking modifications to vessel lengths for that fleet. We have accepted those.

● (0905)

Mr. Fin Donnelly: For Newfoundland and Labrador fisheries, apparently the rules don't apply there. Can you explain how this is the case?

Mr. Mark Waddell: The rules do apply there in terms of these principles and what we would take into consideration in order to do a change as requested by a fleet.

Jackie just put up her hand. I'm not sure if she wishes to jump in.

Ms. Jacqueline Perry: Yes. Is it okay if I intervene at this point, Mr. Chair?

The Vice-Chair (Mr. Todd Doherty): Please proceed.

Ms. Jacqueline Perry: Thank you.

I did want to add a comment on the 2003 process that was referenced. In 2007 we did a region-wide extensive process in Newfoundland and Labrador that resulted in some changes to the vessel modification policies in our region only. That was done in consultation and in partnership with the provincial government, and it also involved a significant change to our policy regime that implemented the combining policy. With the expansion of vessel capacity that this policy change encompassed, we also included a significant policy that included rationalization in association with that. That was subsequent to the 2003 exercise that Mark described, and it was specific to Newfoundland and Labrador only.

Mr. Fin Donnelly: I guess I'm confused, then. Do the rules apply to Newfoundland and Labrador or don't they?

Mr. Mark Waddell: They do apply.

Ms. Jacqueline Perry: The rules apply in Newfoundland and Labrador, but we also have the latitude on a region-by-region basis and a fleet-by-fleet basis, as Mark has signalled, to entertain the specificities that may exist in particular regions in particular fisheries.

Mr. Fin Donnelly: Do those apply in Nova Scotia and New Brunswick as well, those separate conditions you're talking about, or only in Newfoundland and Labrador?

Ms. Jacqueline Perry: The policy changes that were made in 2007 apply only to Newfoundland and Labrador.

Mr. Fin Donnelly: Okay.

Mr. Mark Waddell: Based [*Technical difficulty—Editor*] 2010.

Mr. Fin Donnelly: Okay. I want to go back to the TSB for a second. We've had TSB officials in front of the committee as well. They referenced British Columbia and talked about B.C. On the west coast, things are different. How is it that we have these separate conditions or sets of safety rules for one coast versus the other? In other words, what they were recommending or suggesting is, why not apply these safety recommendations on the east coast as well?

Mr. Mark Waddell: On the west coast, we have a different licensing regime, in that licences are tied to vessels rather than individuals. That is a by-product of decisions made back in the 1960s and an evolution thereof. When we're trying to ascertain vessel ownership, we check vessel registration to ensure that the individual we are talking to has the authority, has ownership of the vessel, and that we are dealing with an owner who can make licensing decisions with regard to fisheries management.

On the east coast, all of Atlantic Canada, and the balance of Canada, licences are issued to an individual. As soon as we have ascertained your identity, we know that we are dealing with the appropriate individual. One recommendation that the TSB made before this committee recently was to consider porting, I guess, for want of a better word, the operational policies on the west coast to the balance of Canada, and that is something we are looking to explore to update our operational policies.

Mr. Fin Donnelly: Okay. We heard one witness say that 90% of crab fishers don't want the vessel replacement policy changed. That was Mr. Keith Smith. Obviously there are a few who do, and we're hearing from them. There's a real emphasis.... I think you mentioned that one of the principles is fleet safety.

Again, how do we square this circle? There's a large percentage of fishers who are fine with the vessel length, it seems—or it's a so-called claim—and there's a small percentage who aren't. Is there a difference between inshore and those who want to go farther out? Is there some testimony we could hear or some comments about why there's a difference between the fishermen in terms of that alleged small percentage who want the change in vessel length?

● (0910)

The Vice-Chair (Mr. Todd Doherty): In 25 seconds or less, please.

Mr. Mark Waddell: I think that wherever we've had consensus within a fleet the department has accepted those proposed changes and has worked with the fleet to advance those changes. Where individuals bring forward proposals for their own interests, those, when we consult with the fleet, are not supported.

The Vice-Chair (Mr. Todd Doherty): Perfect. He had five seconds left, so good job.

I was remiss in not introducing our colleague, the member of Parliament for Central Okanagan—Similkameen—Nicola, Mr. Albas.

Thank you for joining us today. I appreciate your sitting in.

With that, we will go to Mr. Morrissey for seven minutes, please.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, Chair.

My question will focus on this point as a follow-up to my colleague from Newfoundland on squaring the circle. No disrespect, but when officials from DFO come in and appear before this committee, we get a view and we get testimony that "we're consulting extensively and we're working entirely with the industry for their best interests".

When I meet fishers on the harbours and the wharfs, and when we heard from fishers before this committee, they did not see it that way. They do not view the department as consulting with them. Their view is that the department talks to them, but does not consult with them. They do not get input back. I'll use a couple of points to illustrate that.

In Prince Edward Island, the boat size is restricted to 45 feet, I believe, within the lobster fishery. The lobster fishery is totally managed by capacity. If the fishers were fishing at about 48 feet it should have no impact, if they want a safer vessel. At the same time, the department and the industry are advocating for more quality. The use of a fishing vessel has changed dramatically over the last number of years as quality has been driven by the marketplace back to the fishers. They're putting more equipment on board the vessel to hold the fish they catch, so they need a larger vessel.

I'll get to this point. In the tuna fishery in my riding, each tuna fisher is issued a tag to catch one fish. That fish has to be monitored; it's a monitored fishery. If you don't hail DFO monitors when you come in, they will seize your fish and the Receiver General will get the money for it. If a fisher decides that they want to go and fish on a Saturday, they have to get permission to fish in another boat or they cannot do it. On Saturdays, there are not many offices open within DFO. This is the complaint I get.

They ask what you are really managing. You've already determined what they can fish. They have to check it in. Why does DFO have to approve their request to fish from another vessel? If they want to go out in a canoe, they say, they should be able to do it, because it has nothing to do with regulating the fishery. It's those types of policies.... It's the same thing.

The evidence we heard on the buddy system was to the contrary. In fact, the testimony that was given was that fishers want to do more of the buddy system, but they're frustrated by DFO, which will not allow it. As well, there's the case of a fisher who had to use four separate boats because he could not fish his allocation on different ones.... He was forced to use that.

I fail to see the logic of some of the regulations within DFO when it comes to some of these fisheries that are managed in numerous methodologies other than the size of the vessels. Could you speak briefly to that? The industry is very frustrated, and they do not have the view that DFO consults with them. I'm using that in a broad sense.

Mr. Mark Waddell: I'll start with the consultation piece, I guess. DFO does consult broadly and with a wide range of stakeholders across the full suite of its program activities.

Now, with regard to fisheries management, that means we engage with national or pan-regional sorts of organizations, such as the Canadian Independent Fish Harvesters Federation, the Canadian Council of Professional Fish Harvesters, the Fisheries Council of Canada, the BC Seafood Alliance, and the like. Then, as we work down into regional organizations, we engage with the P.E.I. Fishermen's Association, the Maritime Fishermen's Union, the FFAW in Newfoundland, and similar sorts of organizations to get a pulse for what the industry stakeholders are looking for.

If there are disconnects between what we're hearing at those tables and what members are telling those organizations, that is one thing, but we also engage with—

● (0915)

Mr. Robert Morrissey: Could I stop you at that point? I've heard that rationalization numerous times by officials: that the disconnect is between the organization you're talking to and the fishers. That's been raised a number of times, but if you're not reaching the fisher groups and you suspect there's a disconnect, why are you continuing to use the same consultation process that continues to lead to frustration from the rank-and-file fishers?

Mr. Mark Waddell: We are shifting away from that type of consultation. We saw recently in Newfoundland, for example, that they did a multi-city tour, a town tour, across the province to engage directly with harvesters. We also work through our advisory processes whereby we engage with harvesters and licence-holders.

Mr. Robert Morrissey: Have you changed anything as a result of that more direct consultation process?

Mr. Mark Waddell: Jackie, have we...?

Ms. Jacqueline Perry: Yes. If I may—

Mr. Robert Morrissey: Could you point to one thing you've changed as a result of that process?

Ms. Jacqueline Perry: I can point to one significant thing. As a result of an extensive direct consultation with harvesters in the run-up to the 2017 fishing season, we made a significant change to our combining policy that permitted shrimp licences to be combined. That was previously prohibited. In prior years we allowed combining to be done only on a whole-of-enterprise basis, whereas in response to harvester views and in response to the reductions in the inshore shrimp allocations in 2017, we allowed shrimp licences to be combined.

Mr. Robert Morrissey: Was there any reduction in the combination? One of the criticisms you get of the buddy-up is that if there are two fishers combined, they have to lose part of their income or part of their quota to do that, so it tends to be.... While it looks good on paper, it's not a policy that's conducive to being used.

Ms. Jacqueline Perry: I can't speak to the testimony that you may be referring to in drawing that conclusion, but it is strictly a one-for-one combining. There is no loss of income—

The Vice-Chair (Mr. Todd Doherty): Thank you, Ms. Perry.

With that, we'll go to Mr. Miller for five minutes.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chair. There's never enough time, but I thank the witnesses for being here.

The more I hear about this vessel length study that Mr. McDonald brought up, the more baffled I am as to how much of a lack of common sense there is within the bureaucracy in the DFO.

My time is limited, and nobody yet has explained to me what the rationale is for vessel length. Now, I can understand the difference between a 20-foot boat and a 45-foot one and the difference between a 35-foot boat and a 55-foot one. Who the hell should care whether it's six inches or a foot or whatever?

In 25 words or less, I'd like somebody to explain to me what the rationale is that would be ludicrous enough to make one fisherman fish with four different boats. Who wants to talk about it? I don't want any bureaucratic language. Just tell me like it is.

Mr. Mark Waddell: I'll try to do it in 25 words or less.

Means to control vessel length is a proxy for controlling effort in the fishery. That is where we began when we had competitive fisheries. As we've evolved over time towards IQs in various fisheries, we can see changes within the fleets. We have seen that over time.

Mr. Larry Miller: Basically, you don't trust the fishermen, and if you don't trust them, monitoring or checking out there should be what it takes.

Now, here's the part where I have a hard time to take that as an answer. I hunt and fish, just recreationally. If I get a deer tag, I'm allowed one deer. If I take more than one deer, I can be checked by an officer or whatever. It's the same thing with fish limits. That's what controls the catch.

Why should it not work the same here?

Mr. Mark Waddell: To continue that analogy, the government also ensures that you use a certain type of weapon and doesn't allow you to use a cannon.

● (0920)

Mr. Larry Miller: True, but that doesn't answer the silliness in DFO's regulations.

Mr. Mark Waddell: We're controlling effort to the same extent—

Mr. Larry Miller: Effort?

Mr. Mark Waddell: Yes, for competitive fisheries.

Mr. Larry Miller: "Effort".

Mr. Mark Waddell: Fishing effort.

Mr. Larry Miller: Maybe.... I can tell over there that none of them get that word either. Is—

The Vice-Chair (Mr. Todd Doherty): Please explain the term "effort".

Mr. Larry Miller: Yes.

Mr. Mark Waddell: It's a capacity issue within the fleet. It's also something such that individuals within the fleet want their peers to be at the same sort of level, for everybody to have an even sort of basis of equipment for executing the fishery, prosecuting a fishery.

Mr. Larry Miller: So it isn't based on what you catch, really? It's based on the boat you're in. It's like keeping up with the Joneses. If the Joneses have a 45-foot boat and I have a 38-foot, that's not good enough.

Mr. Mark Waddell: I won't say that's not good enough.

Jackie, do you want to...?

Ms. Jacqueline Perry: Maybe I can provide some clarification.

There are two types of tools that we use to manage fisheries. One is input controls or capacity controls. That speaks to vessel size, vessel capacity, and amount of gear. The other is output or catch controls. That speaks to quotas. We need both.

When they are out of alignment, that gap creates a situation where fishery resources are subject to and vulnerable to over-exploitation. We need both available to us.

Mr. Larry Miller: Okay. I would dispute that to a degree. I get why they're both important, and I'm okay with that. If you actually have enforcement out there, I don't see a big issue because I'm somebody with whatever size of boat. I have a lot of money tied up, and the last thing I'm going to do is to be stupid enough to jeopardize losing that boat because of overfishing.

I want to touch on what Mr. Morrissey did. We have heard time and time again about lack of consultation, and I go with the fishermen on this. It appears, as I've been told, that the only people you consult with are the FFAW. That's not consulting with the fishermen. They might belong to that union, but consulting with the union doesn't mean that you're consulting with the fishermen.

Mr. Vincent.

Mr. Patrick Vincent: I'll give you a concrete example of very protected areas. We went into each village, with maps on the table and fishers around the table, to discuss where the marine protected areas should be and whether it impeded their fisheries. We had face-to-face discussions. That's one example. We did that 40 times, just in Quebec.

The Vice-Chair (Mr. Todd Doherty): Thank you, Mr. Vincent.

With that, we'll go to Ms. Jordan for five minutes, please.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you, Mr. Chair, and thank you to the officials for being here today.

As you can probably sense from the line of questioning, we're frustrated, because we're hearing two very different things. Where is our middle ground here? Where can we find it? We have fishers who appeared before this committee and said that they were not consulted, that it makes no sense to them why they can't fish, and that if they have a quota, what difference the size of the boat makes.

I know that Ms. Perry said something like might be a gap. I'm sorry, but I'm not understanding how there could be a gap. If you are allowed to fish a certain amount, what difference does it make what size of boat you have?

Besides that, I'm going to go to another question, but I do want to come back to that in terms of how we solve this problem, because it is a problem.

Mr. Waddell, I'm going to ask you this question. Maybe somebody else can chime in if you're the wrong person. We had one of the fishers say that he has a 29-foot 11-inch boat. He goes further out than he used to. He would like a larger boat for safety reasons, yet we had someone from FFAW say that the size of the boat does not matter in terms of safety, that it doesn't matter how far out you go: you can go out in a 29-foot boat and be safe to the 200-mile limit.

Do you agree with that? Do you agree that the size of the boat has no bearing on safety?

Mr. Mark Waddell: It is one of many factors that weighs into the safety of the vessel. You heard that same testimony from Transport Canada officials and from the TSB itself, which recognizes that it's not just about vessel length. It's about the stability of the vessel, the loading of the vessel, the gear that's on board, the training of the crew, and the weather conditions. There's a suite of factors, in essence, that go into safety at sea.

Mrs. Bernadette Jordan: Going back to my question again, I understand that it's one of many factors, but is a 29-foot boat as safe going out to the 200-mile limit as a 50-foot boat? Would you say yes or no?

Mr. Mark Waddell: I'm not going to speculate on the circumstances for that particular fishery, I'm afraid.

● (0925)

Mrs. Bernadette Jordan: Okay. These are some of the things that we're having a challenge with.

Mr. Vincent.

Mr. Patrick Vincent: I hate to be blunt. We're not safety experts, first and foremost, but we do consult with Transport on numerous issues, and safety would be one of them. I will give you a concrete example of what we did just two weeks ago on two occasions.

First, we were discussing with fishermen an earlier opening of the crab fishery. In Quebec, they want to have crab for Easter. Easter shifts in time from year to year, for some reason. The weather was extremely cold, so we consulted with Transport Canada and Environment Canada about ice in spring. Could it happen if we opened on the 29th or should we wait further down the line?

Just last week, we imposed on fishermen to have a certain length of ropes between the main buoy and the secondary buoy in the crab fishery to avoid ropes being taken by North Atlantic right whales. We imposed a limit of 3.5 fathoms. With the current and everything, the fishermen said it was unsafe. We consulted with Transport, which came back to say they could go up to 6 fathoms, which would be safe, so we did that.

Those are two occasions where we interacted with the fishermen and consulted with Transport on safety issues.

Mrs. Bernadette Jordan: Okay.

The Vice-Chair (Mr. Todd Doherty): I believe Ms. Perry wanted to chime in.

Mrs. Bernadette Jordan: Okay. I have limited time, so I would like to get to my next point.

If we have time, I'll come back to that, Ms. Perry.

You've maybe been following the testimony. You've heard that we've had a number of fishers before committee who are finding this a challenge, and they don't feel that they're listened to. You did reference, I believe, Ms. Perry, that you are now in some cases going town to town and village to village and talking to the actual fishers, and not just listening to one organized body that represents some of the fishers and not all of them.

Can we get a commitment from you to look at this on a broader scale in the future, to do these consultations with the communities so that you can hear—other than from a parliamentary committee—from the fishers directly about their challenges with this vessel length policy?

The Vice-Chair (Mr. Todd Doherty): In 20 seconds or less, please.

Mr. Mark Waddell: We do engage extensively and we will continue to engage extensively with harvesters.

The Vice-Chair (Mr. Todd Doherty): Thank you. With that, we will go to me for five minutes. It's good to be king for the day, I guess.

Voices: Oh, oh!

The Vice-Chair (Mr. Todd Doherty): Mr. Waddell, with all due respect, I take offence to your comment on Ms. Jordan's question to you, where you said that you are not the safety experts. Why are you here? We are studying vessel length. This committee wants to know the background and the methods that go into the decisions affecting vessel length. If you can see that you have a committee of parliamentarians who are confused, can you imagine the fishers who are out there who have appeared before our committee and are also confused?

I would suggest—and this is a bit of grandstanding—as I did to Transport Canada, and to the TSB as well, that it is high time that these departments, these organizations, get their act together, because it's costing people's lives, it's costing people's livelihoods, and there is much frustration out there. For you to come before the committee.... I appreciate your testimony; you're just being honest that you're not the safety experts in this, but that is what we are studying today. It's what goes into vessel length policy. What are the decisions that go into that?

Ms. Perry, I have a question for you. As Ms. Jordan and others have mentioned, we've had numerous fishers appear before this committee on a number of different studies. As I alluded to earlier in my questioning, time and again we hear that DFO has abdicated their responsibility to FFAW, as well as to other organizations such as WWF in terms of policy and making the decisions in Atlantic Canada.

One of the last testimonies we heard was that in Newfoundland it depends on the connections that you have with FFAW and DFO on what regulations apply to you, who you are, and in such areas as boat regulations, lease options, quota transfers, quota pushovers, and designation of operators. What do you have to say to that comment?

● (0930)

Ms. Jacqueline Perry: I can say categorically that I disagree with that statement. We do indeed consult with the FFAW. I've mentioned that before in previous testimony. They are a legitimate harvester organization and—

The Vice-Chair (Mr. Todd Doherty): Ms. Perry, do you put FFAW before you put the fishers...?

Ms. Jacqueline Perry: I also can say categorically that we consult directly with fish harvesters. We weigh the input from many different stakeholders. It's not a question of putting one over the other. It's about finding balance—

The Vice-Chair (Mr. Todd Doherty): Well, actually, it is, because we've had testimony time and again with fishers and fish harvesters who have come before us and have said that they're being shut out of these discussions, and that FFAW, WWF, and others are making the decisions regarding policy.

Ms. Jacqueline Perry: I can reiterate that the Department of Fisheries and Oceans is the decision-maker in matters of fisheries management, and we consult widely with a wide variety of stakeholders, including the FFAW. We will continue to do so as we consult with harvester organizations throughout the country, but we also consult with others, and we consult directly with fish harvesters.

Individuals who don't agree with our decisions will of course feel as though they haven't been consulted, or that their views have not been taken into consideration. That's understandable, and it is human, but it is not accurate to say that we abdicate our decision-making responsibility, and it is not accurate to say that we consult only with the FFAW.

The Vice-Chair (Mr. Todd Doherty): Your testimony today is that anybody who has come with testimony contradicting what you are saying today is just disgruntled and they are not happy. Is that correct? Their testimony is—

Ms. Jacqueline Perry: I don't want—

The Vice-Chair (Mr. Todd Doherty): It is your testimony. You've just said that they're not telling the truth.

Ms. Jacqueline Perry: I also said that anybody who was not seeing their particular individual views reflected in our decisions would be feeling frustrated. That's understandable.

The Vice-Chair (Mr. Todd Doherty): All right.

With that, I will cede the floor to Mr. McDonald.

It is your study. You have five minutes, sir.

Mr. Ken McDonald: Thank you, Mr. Chair.

I know that Mr. Doherty was asking about FFAW's involvement, and along the same line of questioning, Ms. Perry, perhaps with a yes-or-no answer—because I only have five minutes and I want to get to a number of things—when there is a reallocation of a particular quota, whether it be halibut, turbot, or whatever, and they do the so-called draw, where they draw to see who's actually going to get a share in that additional quota, who conducts that draw?

Ms. Jacqueline Perry: The department conducts draws when it comes to access to particular fisheries, and oftentimes that draw is also witnessed by others. I'm not specifically familiar with the case you're referring to, but where it comes down to access to fisheries, I can assure you that the department, if it doesn't do the draw itself, is present when the draw is taking place. I don't know the specifics you're referring to.

Mr. Ken McDonald: No, and I think it was probably an increase in halibut or something. There was a quota taken back, and then it was given back again to be shared amongst people in the industry. It was done under a draw system. I believe that a witness here said that the draw was actually done by FFAW, and that if his name ever came out of the bag, it would be put back in and he wouldn't get any of the quota, if that's the case....

You mentioned as well—or somebody did—the shrimp fishery and the consultations on that. I differ a bit on it, because it was actually members of the Newfoundland and Labrador caucus who met with the minister and pleaded to have a look at buddying up where the shrimp quotas were going so low. I don't think consultations did it. It was the caucus that met with the minister, and the minister decided to make that decision, against some other views.

We've had witnesses appear and.... I won't go there.

In previous testimony, Ms. Perry, you testified that most fisheries are IQed or whatever. We were talking about capacity with the bigger boats. You said that even in the groundfish industry there are some who don't necessarily have an IQ. From where I stand and from what I've heard, every groundfish either has an IQ, a daily limit, a weekly limit, or a trip limit. What fishery would be outside of that in the groundfish?

● (0935)

Ms. Jacqueline Perry: There's a wide variety of groundfish species that do not have trip limits or IQ fisheries: skate, monk, hake, and some turbot. It depends very much on the fleet and the gear type as to whether or not those types of harvest limitations are in place.

I think that in my previous testimony I testified that relatively few fisheries had IQ regimes in Newfoundland and Labrador. In other regions, there might be more instances of IQs or ITQs, but in Newfoundland and Labrador, that's not commonly used. The crab fishery is the most significant, obviously, and there are some others, such as 3Ps cod, that are IQed, but it isn't the most commonly used management regime in this region.

Mr. Ken McDonald: Thank you.

Mr. Waddell, you mentioned that you couldn't comment on the safety of a boat. Let's say that I'm fishing the exact quota as my colleague Ms. Jordan, and I'm doing it in a 50-foot vessel and she's doing it in a 39-foot 11-inch vessel. Regardless of where we're fishing, if we're both out at the same distance and everything else—let's say we're at the 180-mile offshore—would you say that the 50-foot vessel provides me a bit more security and safety than her 39-foot 11-inch vessel, yes or no?

Mr. Mark Waddell: Do you have the same crew, the exact same training, the same equipment, all the same circumstances?

Mr. Ken McDonald: Yes, the same crew, same training, and the same equipment on board.

Mr. Mark Waddell: Then I would say that you are equally safe.

Mr. Ken McDonald: Okay. Thank you.

I want to go back to the non-core issue for just a second, Ms. Perry, because you did talk about it and how there probably were people who weren't considered full-time fishermen. It's been about 26 years, I guess, since we put the moratorium on the North Atlantic cod. Since that time there have been people—as we heard a witness here testify—who stuck with that fishery. They stayed with it. Whether or not they were non-core, they stuck with that fishery, and all they've ever done is fish.

Wouldn't you think, in looking at that, that it's time to designate that if you're a fisherman, you're a fisherman, and if you're not, you're not? Some of the non-core ones, who can probably prove and attest that they've been fishing constantly for 26 years in that industry, should be designated if that's what it takes to enable them to go to a vessel that's bigger than the 28-foot vessel. It's time to move to making them core fishermen. I know that I'm going to get phone calls from certain union officials for making that statement, but I'd like to hear your rationale.

The Vice-Chair (Mr. Todd Doherty): I'm sorry. We're over time for Mr. McDonald, but I will allow you to answer that question.

Ms. Jacqueline Perry: The core exercise was an extensive exercise. It was followed, I would also suggest, by an extensive appeal process that was repeated multiple times. This exercise that determined the core and the non-core categorizations of harvesters has been tested time and time again. Harvesters who now find themselves a holder of a non-core categorization, I assure you would have had ample opportunity to have that categorization reviewed multiple times—

The Vice-Chair (Mr. Todd Doherty): Thank you, Ms. Perry.

Mr. Donnelly, you have three minutes.

Mr. Fin Donnelly: Thank you, Mr. Chair.

I'd like to turn to Ms. Perry with a question.

We've heard testimony that a vast number of inshore fishers in Atlantic Canada are fine with the vessel length rules, but there are a small number of fishers who want larger boats. What do you say to that small number of fishers who want larger boats?

Ms. Jacqueline Perry: What we have been saying to those harvesters throughout Atlantic Canada is that the vessel eligibility policies exist and they are expected to respect them. There is an appeal process in each region that allows harvesters to bring forward their particular circumstances to be reviewed to determine whether extenuating circumstances exist that warrant exceptions being made.

Mr. Fin Donnelly: How frequently are exceptions made?

Ms. Jacqueline Perry: Not very often, but we do have examples of where a particular circumstance warrants those exceptions.

Mr. Fin Donnelly: Okay. You have made exemptions.

● (0940)

Ms. Jacqueline Perry: We have indeed.

Mr. Fin Donnelly: It seemed like we got onto hitting a bit of a target here with quota versus technology. You were talking about fishing effort. The committee was looking for a further explanation of that. That was followed up by explaining quotas focused on the catch and technology and how you catch it.

I have one question, because I think there is some merit to having rules. We do want fishermen to be safe. On the issue on quota monitoring, for instance, can we talk a bit about monitoring? For instance, if fishermen go out and are asked and say, look, we limit the catch, we limit the size of boat, how do we know that their catches are within those quotas and that fishermen are safe? How do we monitor?

Mr. Mark Waddell: We monitor through a variety of mechanisms. We have both the at-sea observers, who are observing the landings as they come aboard the vessel, and dockside monitors, who are watching the transit of the landings back to shore. We use electronic logbooks in some instances and paper logbooks in others, where we ask fishers to record their catch, the location of their catch, gear type, etc. and provide that information back to the department so that we can review it. Our conservation protection officers are also out doing direct enforcement and direct engagement with harvesters.

Mr. Fin Donnelly: We know that there are limitations in all those things you've just mentioned.

Mr. Mark Waddell: There are.

The Vice-Chair (Mr. Todd Doherty): Thank you, Mr. Donnelly.

I'm going to ask the committee for permission for two short questions, one for me and one for Mr. Miller.

Some hon members: Agreed.

The Vice-Chair (Mr. Todd Doherty): Thanks.

Ms. Perry, through testimony, we know of two previous fishers who had to appeal the ruling to get a vessel length change. Do you know the outcome of those two appeals? Can you share that with the committee?

Ms. Jacqueline Perry: The independent appeal board reviewed those cases. In both those cases, the registration of the vessel was approved.

The Vice-Chair (Mr. Todd Doherty): Thank you.

Go ahead, Mr. Miller.

Mr. Larry Miller: Thank you, Mr. Chair.

These meetings can turn into what may seem unfair to you people as witnesses.

Ms. Perry, you got your back up pretty obviously in questioning from Ms. Jordan and Mr. Doherty. When something doesn't sound right or doesn't smell right, as parliamentarians, it's our job to question it. There are so many things here and, with all due respect, we don't seem to be getting any answers as a committee as to why some of these foolish-looking and foolish-sounding rules are in place. That makes this very frustrating for us, but don't take it personally.

Mr. Waddell, to your comment about how you're not an engineer or a safety engineer, I'm not either, but I can tell you that logic would tell me that a 50-foot boat would be a lot safer than a 20-foot boat. You may want to add that to your answer in the future.

One thing I want to ask about here is the exemption process. Mr. Donnelly hit on it. It sounds as though there is one. For every case out there where somebody has to fish using two licences with two different boats or, in the case of one guy, having to fish from four different boats, I would hope that DFO, all of you, are working on something that will address that, so that an exemption can be in place for each one of these types of things. I know there has to be a process and fishermen maybe don't like it. As a farmer, I don't like some of the process, but it has to be there.

The Vice-Chair (Mr. Todd Doherty): Is there a question, Mr. Miller?

Mr. Larry Miller: Yes.

Do I have a commitment from you to concentrate on putting a little more effort and common sense into those exemptions?

The Vice-Chair (Mr. Todd Doherty): Mr. Waddell.

Mr. Mark Waddell: As Jackie alluded to, we do have an appeal process in place. We can allow for individuals who feel that their judgments have not been done in an appropriate manner to come forward and seek recompense or seek an alternative view from the department.

The Vice-Chair (Mr. Todd Doherty): Mr. McDonald, do you have a supplementary question?

Mr. Ken McDonald: Yes, thank you, Mr. Chair. I'll be brief. I'll start with a comment.

Ms. Perry and I spent a bit of time in the airport yesterday and spoke about this study and whatnot, so I've had a bit of an advantage. I had a little more discussion with Ms. Perry off the record than I did here today. I did mention to her at that time the fact that if nothing else comes out of this study, I hope that DFO regionally will consult with fishermen, whether it's on the wharf or by other means.

Also, when it comes to a vessel length change or consultation, DFO has the registration of everybody who owns a vessel. For every vessel that's registered, it has the owner's name and address. If the recommendation is to do consultation to find out what the fishers actually want on this particular issue, mail out a ballot to each individual boat owner. If they don't reply, they don't reply, but at least they have the opportunity. I would hope that's this is something we would look at after we get finished with this and our recommendations are put before the minister.

Somebody mentioned an appeal process. I know that two fishers presented here who said they were going through an appeal process with regard to the five-foot extension of their vessels and that the rules changed and they didn't know anything about it. There were no consultations with them.

Ms. Perry, what were the results of those appeals?

● (0945)

The Vice-Chair (Mr. Todd Doherty): We asked that previously.

Mr. Ken McDonald: Oh, you did? I wasn't paying attention.

The Vice-Chair (Mr. Todd Doherty): Both appeals were approved.

Mr. Ken McDonald: All right.

Well, I'll end off by thanking everybody who appeared for your time, your patience, and your endurance in putting up with all of us parliamentarians grilling you from time to time. Thank you.

The Vice-Chair (Mr. Todd Doherty): Thank you to all of our witnesses who appeared before us. As Mr. Miller and Mr. McDonald have said, our job is to ask the tough questions, and we do appreciate your time and the work you do.

With that, I will say thank you.

[Proceedings continue in camera]

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